**Tentative Rulings for November 10, 2026**
**Department 502**

**For any matter where an oral argument is requested and any party to the hearing desires a remote appearance, the remote appearance will be conducted through Zoom. Please provide the department's clerk a correct email address. (CRC 3.672, Fresno Sup.C. Local Rule 1.1.19.)**

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**There are no tentative rulings for the following cases. The hearing will go forward on these matters. If a person is under a court order to appear, he/she must do so. Otherwise, parties should appear unless they have notified the court that they will submit the matter without an appearance. (See California Rules of Court, rule 3.1304(c).)** ***The above rule also applies to cases listed in this "must appear" section.***

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**The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.**

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**(Tentative Rulings begin at the next page)**

# Tentative Rulings for Department 502

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(36)

**Tentative Ruling**

Re: ***Delafuente v. Osornio, et al.***
Superior Court Case No. 25CECG01341

Hearing Date: November 10, 2026 (Dept. 502)

Motion: by Defendants to Strike Portions of the Second Amended Complaint

**Tentative Ruling:**

To deny the motion to strike. (Code Civ. Proc., § 436; Civil Code, § 3294, subds. (a)-(b).)

Defendants shall file their responsive pleadings to the Second Amended Complaint no later than 20 days following the entry of this order, with time to run from service by the clerk of the order.

**Explanation:**

Defendants Stratas Foods LLC ("Stratas"), Alexandra Osornio, and Cory Patrick move to strike the prayer for punitive damages against Stratas and the allegations supporting that claim.

Civil Code section 3294, subdivision (b), provides in pertinent part: "An employer shall not be liable for damages pursuant to subdivision (a), based upon acts of an employee of the employer, unless the employer ... was personally guilty of oppression, fraud, or malice. With respect to a corporate employer, the ... act of oppression, fraud, or malice must be on the part of an officer, director, or managing agent of the corporation."

As explained in the court's first ruling on the defendants' first demurrer and motion to strike, plaintiff sufficiently alleges that Stratas ratified Osornio and/or Patrick's conduct by failing to take corrective measure to prevent plaintiff from being subject to daily sexual harassment during his employment with Stratas. (SAC, ¶¶ 18-27; ¶ 39.) The court explained that the allegations against Osornio were sufficiently despicable to plead a claim for punitive damages. It is alleged that Osornio subjected plaintiff to daily unwelcomed physical contact on a daily basis by grabbing plaintiff's arms, hugging his arms, poking or pinching him in the back, and aggressively grabbing plaintiff's genitals. (*Ibid*.) The court also explained that the allegations against Patrick were sufficient to state a claim for punitive damages, as he is alleged to have called plaintiff a highly derogative slur based on plaintiff's sexual orientation, mocked plaintiff for his sexual orientation, made unwelcome sexual and/or violent gestures towards plaintiff, and threatened to kill plaintiff. (*Id*. at ¶ 39.)

At issue in this case is whether the operative complaint sufficiently alleges any of Statas' employees, to whom plaintiff reported Osornio or Patrick's conduct and

thereafter failed to act to prevent the harassment, were "managing agents" so as to support a claim of punitive damages against Stratas.

"In the seminal case of *White v. Ultramar* (1999) 21 Cal.4th 563 (*White*), our high court construed managing agent as follows: '[T]he Legislature intended that principal liability for punitive damages not depend on employees' managerial level, but on the extent to which they exercise substantial discretionary authority over decisions that ultimately determine corporate policy. Thus, supervisors who have broad discretionary powers and exercise substantial discretionary authority in the corporation could be managing agents. Conversely, supervisors who have no discretionary authority over decisions that ultimately determine corporate policy would not be considered managing agents even though they may have the ability to hire or fire other employees. In order to demonstrate that an employee is a true managing agent under section 3294, subdivision (b), a plaintiff seeking punitive damages would have to show that the employee exercised substantial discretionary authority over significant aspects of a corporation's business.' " (*Colucci v. T-Mobile USA, Inc.* (2020) 48 Cal.App.5th 442, 451.)

Further, "[i]t does not depend on the person's level within the corporate hierarchy but instead the amount of discretion permitted in making decisions. [Citations.] Moreover, a managing agent does not need to be a corporate policymaker and can formulate operational policies through discretionary decisions. [Citations.]" (*Tilkey v. Allstate Ins. Co.* (2020) 56 Cal.App.5th 521, 554, citations omitted.)

Here, the SAC alleges that Human Resources Manager Gabriel Pinon was based in Dallas Texas and was the human resources manager across Stratas' western and central region, including Stratas' two facilities in Texas and its sole facility in California, which consists of over 150 employees. (SAC, ¶ 33.) It is further alleged "Pinon exercised substantial independent authority and judgment in developing personnel policies and procedures for the western and central regions of Defendant Stratas' operations." (*Ibid*.) A factual allegation that Pinon developed personnel policies is sufficient to plead that Pinon was a managing agent for the purpose of stating a claim for punitive damages. Nothing further is required to defeat a motion attacking the pleadings. Plaintiff need not allege any specific instance of such policymaking at the pleading stage. Nor is there a brightline rule requiring the managing agent to implement policy on a company-wide level. It is further sufficiently alleged that Pinon ratified Patrick's conduct on Stratas' behalf by failing to investigate the sexual harassment. (SAC, ¶ 42.)

Therefore, the motion to strike is denied.[1]

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

**Tentative Ruling**
**Issued By: lmg on 11-9-26 .**
(Judge's initials) (Date)

[1] The court need not and does not individually address each employee identified in the SAC.

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**Tentative Ruling**

Re: ***In Re Lesly Ruby Nieto***
Superior Court Case No. 26CU03724

Hearing Date: November 10, 2026 (Dept. 502)

Motion: Petition to compromise minor's claim

**Tentative Ruling:**

To grant. Petitioner Mariana Mijangos directed to file a new proposed order approving compromise by 5:00 p.m., Friday, November 13, 2026. No appearances are necessary.

To set a status conference for Wednesday, February 10, 2027, at 3:30 p.m., in Department 502, for confirmation of deposit of the minor's funds into a blocked account. If an Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account (MC-356) is filed at least five court days before the hearing, the status conference will come off calendar.

**Explanation:**

The petition appears to be sufficiently stated. However, the Order Approving Compromise is requesting an additional order for Farmers Insurance to issue payment within fifteen days after the court signs the order approving the minor's compromise. No citation or statutory basis is provided for why the order is appropriate without notice to Farmers Insurance and as part of a minor's compromise. Accordingly, petitioner Mariana Mijangos is ordered to file a new proposed order approving compromise by 5:00 p.m. Friday, November 13, 2026 without the additional order for Farmers Insurance to pay within fifteen days of the signing of the order approving the minor's compromise.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

**Tentative Ruling**
**Issued By: lmg on 11-9-26 .**
(Judge's initials) (Date)

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**Tentative Ruling**

Re: ***Fresno Truck Center v. Subham***
Superior Court Case No. 26CECG01282

Hearing Date: November 10, 2026 (Dept. 502)

Motion: By Plaintiff Fresno Truck Center for Writ of Possession and Turn Over Order

**Tentative Ruling:**

To grant. (Code Civ. Proc., §§ 511.010 – 516.050.) Plaintiff Fresno Truck Center is directed to file a new proposed order for writ of possession by 5:00 p.m., Friday, November 13, 2026.

**Explanation:**

Plaintiff Fresno Truck Center ("Plaintiff") moves for a writ of possession and turn over order for collateral for two of the three written promissory notes against defendant Subham Subham ("Defendant").

Plaintiff has filed proof of service that Defendant has been served with the Notice of Application for Writ of Possession and Hearing and all the appropriate papers as part of the motion. The declaration of Crystal Rivamonte provides all the statutorily required information that Code of Civil Procedure section 512.010 requires.

With regards to a potential bond, Plaintiff has properly demonstrated the estimated market value of the property to be seized as $68,000. (Rivamonte Decl., ¶ 44.) Plaintiff demonstrated that two of the agreements are secured by the described property. (*Id*., Exhs. 3-6.) Plaintiff has also demonstrated that the value of the amount owed on the two agreements secured by the property is more than the value of the property Plaintiff is seeking possession of. (*Id*., ¶¶ 22, 29, 44, Exhs. 10 & 11.) Plaintiff, in their papers, move for a counter-bond that Defendant must pay if they with to retain their property in the amount of $104,165.48. The court agrees with this amount. However, Plaintiff's proposed order for writ of possession at item 5.d. lists an amount of $132,046.67. The amount is inconsistent with what was requested within the moving papers. Accordingly, Plaintiff's motion for writ of possession and turn over order is granted but Plaintiff must file a new proposed order for writ of possession with $104,165.48 listed in item 5.d. of the order by 5:00 p.m., Friday, November 13, 2026.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order

adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

**Tentative Ruling**
**Issued By: lmg on 11-9-26 .**
(Judge's initials) (Date)